

# LEGISLATIVE AND INSTITUTIONAL ASPECTS OF SOIL & WATER CONSERVATION: THE PHILIPPINES EXPERIENCE

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## 1. Abstract

The Philippines has a total land area of thirty (30) million hectares. Of this, 15.9 million hectares is reserved for forest lands, mineral land and national parks, while 14.14 million hectares is considered alienable and disposable (A&D) for economic development; Six million hectares are titled and that less than 1/3 of land supports crops. Land degradation of agricultural areas is becoming one of the most serious problems confronting the sector.

Study reveals that it will take some 13 years or the country's top soil to be depleted. The country has an average of 45.6 % of total lands suffering from moderate (28.3%) and severe (17.3%) erosion. These areas have been identified in the south & north of Luzon and central portion of the Philippines.

Policy advocacy, notably legislative advocacy in the Philippines has undergone an overwhelming progress since the historical EDSA revolution, when the rule of martial law has ended and a new Congress begun in 1988.

This policy paper, explores the trends and development in human development policy advocacy which encompass major concerns in the country to include issues on environment and natural resources relating to aspects of soil & water conservation. It will cover the 8<sup>th</sup> Congress(1989-1992) thereon up to the 13<sup>th</sup> Congress (2004– 2007), touching on policy development i.e. legislating policies, filing of policy measures, unfunded laws and budget allocation & reprioritization. The stakeholders and their mechanisms will be dealt with, touching from the Executive department, the Congress, political parties, individual legislators, multilateral and bilateral institutions, the media, academic & research institutions, business groups, local government units and the leagues, civil society. Hopefully moving the policy advocacy issues forward and better, as there is a lot more to be done to professionalize and make better stronger policy advocacy on soil and water conservation in the Philippines.

## 2. Introduction

Land degradation of agricultural areas has become one of the most serious problems confronting the sector. The causes of land degradation include soil erosion, heavy use of agricultural chemicals like fertilizers & pesticides and contamination from heavy metals (Philippine Legislative Committee on Population and Development Foundation, Inc.).



Figure 1 Extent of land degradation in the Philippines

Today, only 5.4 million hectares of the 15.9 million hectares of the country's forestland remain covered with forests. Over-exploitation and inappropriate land use practices have disrupted the hydrological condition of watersheds, resulting in accelerated soil erosion, siltation of rivers and valuable reservoirs, increased incidence and severity of flooding, and decreasing supply of potable water (ADB, 2001).

Study reveals that it will take 13 years for the county's topsoil to be depleted due to soil erosion. The country has an average of 45.6% of total lands suffering from moderate (28.3%) and severe (17.3%) erosion. These areas have been identified in several provinces in the south and north of Luzon and central portion of the Philippines by the Department of Environment and Natural Resources (DENR).

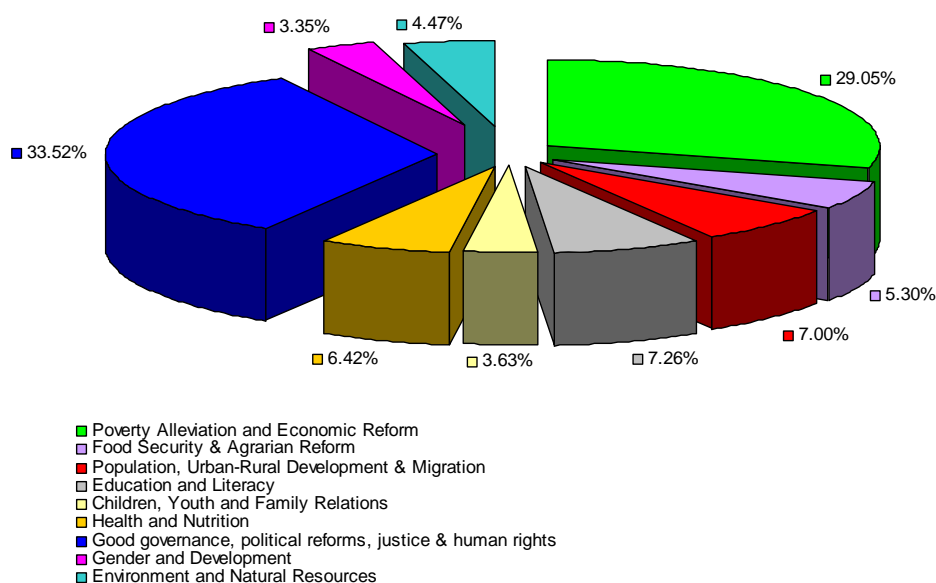
Threats to land resources in the Philippines ranging from logging; land conversion; population growth; mining activities; land degradation of agricultural areas; improper disposal of solid waste; soil erosion and weaknesses in land administration have to be handled by both the legislative and executive institutions notwithstanding the responsibilities of respective members/sectors of the civil society.

### 3. Policy Development and Trends in Legislating Policies on Soil and Water Conservation

The role of Congress in national development cuts across all areas in policy making. Its mandate emanates from the Constitution. This legislative branch of the government is the primary institution responsible for creating the desired policy atmosphere that would put in place the economic, social and political reforms in achieving the development goals of the government.

**3.1 Trends in legislating policies.** During the commencement of the 8<sup>th</sup> congress (1987-1992) and onwards the 13<sup>th</sup> congress (2004-2007), congress passed a total of 1,570 ++ laws of which 15 can be considered generally a natural resources conservation legislation of national significance.

The distribution of laws within the respective themes/areas reflects or indicates the priorities of Congress at that point in time. Environment and natural resources together with some concerns rank lowest in terms of priority within the domain of human development policies. The 8<sup>th</sup> congress gave priority to the passage of the National Integrated Protected Area System (NIPAS) Act of 1992 (RA 7586), which recognize the critical importance of protecting and maintaining the natural biological and physical diversities of the environment,



**Figure 2 Distribution of Laws Passed by Themes/ Concerns, 8th – 13th Congress**

integrating into one system all protected areas. The 10<sup>th</sup> congress (1995-1998) passed the Agricultural and Fisheries Modernization Act (AFMA, RA 8435) and the Philippine Fisheries Code. The AFMA reflects one among its objectives to increase productivity while ensuring the protection and preservation of the environment. It was during the 11<sup>th</sup> (1998-2001) up to the 12<sup>th</sup> congress (2001-2004) where the Clean Air Law, Solid Waste Management, Clean Water Act and Wildlife Resources Conservation Protection Act have been passed. Notably in the 13<sup>th</sup> congress, the bill on organic farming/ agriculture have been taken up and deemed appraised to be an executive pronouncement, Executive Order 481-Promotion and development of organic agriculture. Conservation and protected areas together with the land use bills did not see light during this congress.

**3.2 Filing of legislative measures.** Introducing legislation and seeing it through committees are similar in both the House of Representatives and the Senate. Legislative proposals originate in a number of ways. Members of both Houses develop ideas for legislation. Special interest groups-business, academe, professional groups,

conservationists, are other fertile sources of legislation. Constituents, as individuals or groups, may propose legislation. Frequently, a member of the Senate will introduce such a bill by request, whether or not he supports its purposes. Notably, a gap between interest in proposing S&W policies and actual passage of these measures exist. The interest in the filing of S&W conservation policies has improved starting at the 12<sup>th</sup> congress to date with the refiling of bills on organic farming alongside with protected areas, land use bills and climate change.

**3.3 Unfunded laws.** A proposed measure if passed still has no assurance of being implemented for reason of fund non-availability. To date, a total of 94 billion pesos is needed to fund 11 laws on agriculture & food, and environment & natural resources, with potential S&W conservation. For a developing country like the Philippines, the issue of competing for increased allocation from the government for S&W conservation would need reconsideration.

#### **4. The Stakeholders and Their Mechanisms**

**4.1 The President and the Executive Department.** Much of the needed legislation of the country considered by Congress originates from the executive branch. Each year the President of the Philippines outlines his legislative program and policy directions in his State-of-the-Nation Address to the members of Congress, executive departments and agencies. The Legislative-Executive Development Advisory Council (LEDAC) and the Presidential Legislative Liaison System that sometimes look into partly consulting with the civil society with advocacy efforts play significant roles in the prioritization of policies. The tenacity of some advocacy network have shown some hopeful results with the proposed national land use and conservation of natural resources as part and parcel of those policies certified urgent by the President during this 14<sup>th</sup> congress.

**4.2 Political parties.** Some bigger political parties craft their own policy agenda to guide their members in developing policies. But, looking closely into these reveals greater generalities or motherhood statements that it is difficult to know how they are translated into specific policy proposals.

**4.3 Individual legislators.** Political mapping surveys show that individual legislators' policy agendas are principally shaped by their constituency, political party or affiliation, professional background, civil society and results of research. Bills of national significance usually follow from the professional background and committee affiliation of the legislators. (PLCPD).

**4.4 The media.** The media in the Philippines are as important as they have emerged as an important source of education and information for all Filipinos rich and poor alike. Their capability in shaping opinion is legend and decision makers rely on media to make a feedback on the pulse of the people and make policy decisions.

**4.5 Academic and research institutions.** Aware that sloping uplands in Southeast Asia extensively cover more than 50% of its total land area and are considered fragile ecosystem, for the Philippines, developing and disseminating sustainable S&W conservation technologies in these areas is a formidable and challenging task. Government departments have their respective research bureaus that are responsible for S&W resources management, notwithstanding the research units in respective academic institutions.

Despite the efforts of numerous government agencies, various constraints have led to extensive flash flooding, high rates of soil erosion, poor water resources management, which have caused so much lives and poor agricultural productivity: (a) low appreciation of an understanding of conservation measures; (b) insufficient flow and use of existing data and information; and (c) difference in administrative levels among government departments.

**4.6 Business groups.** Often seen as lobby groups than advocacy organizations, they often speak on policy issues are raised by other sectors. The Federation of Philippine Business has been vocal recently in raising their concern and responsibilities relative to climate change.

**4.7 Local Government Units and the leagues.** The leagues of local government units in the Philippines have their own respective influence over national policies that apply to local governance, as in decisions over their internal revenue collection's utilization in the promotion of ecologically sound agricultural practices as well as adopting soil and water conserving practices.

**4.8 Civil Society.** Groups and organizations in civil society are mixture of alliances and coalitions. While others have later divided into smaller and separate alliances, the network that continued to be active is the group advocacy for land use, climate change, reforestation and protected areas.

**4.9 Multilateral and bilateral institutions.** Recognizing the worsening problem of land degradation and drought that is closely linked to poverty, The Philippine government ratified the United Nations Convention to Combat Desertification (UNCCD) on 10 February 2000. The Bureau of Soils & Water Management is the Philippines focal agency for the UNCCD. The program's 5 components are: land and water technology development; local governance & community initiatives; database development & harmonization; information, education & communication; and enabling policy development. (UNCCD Country Report, 2006). Until 2010, the government aims to establish 5,000 community learning centers to train 15,000 upland dwellers and develop community initiatives on local area management. It will also construct in critical watershed areas some 100,000 small water retention structures that will benefit one million farmers and provide jobs to another one million upland dwellers.

The United Nations Framework Convention on Climate Change (UNFCCC). Climate change is expected to change the environment landscape and affect all areas of human life. In coastal areas, climate change may cause erosion and flooding. In agriculture, crop yields and productivity will decrease and demands for irrigation will increase. The Philippine government created a task force composed of government agencies and NGO representatives and technically assisted by the Inter-Agency Committee on Climate Change (IACC). It is mandated to cause the integration and mainstreaming of climate risk management into the development of policies, plans and programs of government.



**Figure 3 Current conservation technologies/program**

## **5. Legislative Agenda**

Although more opportunity is in the open for greater sophistication in use of advocacy methods and tools, that make advocacy in the Philippines the envy of other advocacy groups in other developing countries, hopefully moving the policy advocacy issues forward and better, there is a lot more to be done to professionalize and make better stronger policy advocacy focusing on soil and water conservation in the Philippines. The need for a coordinated and continuing appraisal of the soil, water and related resources in the Philippines, developing and regular updating of a soil and water conservation program, protection and enhancement of the soil, water and related resources in the Philippines and passage of a Soil & Water Conservation Act are policies that are wanting to ensure a responsive S& W conservation efforts in the Philippines.

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